

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In the Bankruptcy Matter of:

Edward L Kerulis
aka Edward L. Kerulis III
Debtor

Bankruptcy No. 18-13401
Judge Janet S. Baer (Geneva)
Chapter: 13

NOTICE OF MOTION

TO: Edward L Kerulis, *aka Edward L. Kerulis III*, 325 Brighton Bay, Roselle, IL 60172
Glenn B Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532
Jeff A Whitehead, Law Office of Jeff Whitehead, 700 West Van Buren, Suite 1506,
Chicago, IL 60607
Patrick S Layng, Office of the U.S. Trustee, Region 11, 219 S Dearborn St, Room 873,
Chicago, IL 60604

Please take notice on November 9, 2018 at 9:30 a.m., I shall appear before the Honorable Janet S. Baer, in Room 240, Kane County Courthouse, 100 South Third Street, Geneva, IL 60134, and present the attached motion at which time you may appear if you wish.

/s/ Anna E. Rinehart

Anna E. Rinehart, IL ARDC #6321383

CERTIFICATE OF SERVICE

I, Anna E. Rinehart, an attorney certify that I served the attached motion by mailing a copy to the Debtor at the address listed above by depositing the same in the U.S. mail, first class, postage prepaid at 230 W. Monroe Street, Suite 1125, Chicago, IL 60606 on or before 5:00 p.m. on October 18, 2018. The remaining parties were served by the CM/ECF electronic noticing system.

/s/ Anna E. Rinehart

Anna E. Rinehart, IL ARDC #6321383

Anna E. Rinehart
Johnson, Blumberg, & Associates, LLC
230 W. Monroe Street, Suite 1125
Chicago, Illinois 60606
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NOTICE:

THIS LAW FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Federal National Mortgage Association (“Fannie Mae”), a corporation organized and existing under the laws of the United States of America (hereinafter “Movant”), through its attorney, Anna E. Rinehart of Johnson, Blumberg & Associates, LLC, and states as follows:

1. The Movant, a party in interest, holds a Mortgage dated July 13, 2007 on the property located at 325 Brighton Bay, Roselle, Illinois 60172-1608, in the original amount of \$290,000.00. (A copy of the Note, Mortgage, Assignment of Mortgage, and Loan Modification are attached as Exhibit A, B, C, and D respectively and incorporated herein by reference).
2. The above-captioned Chapter 13 case was filed on May 7, 2018 and the Debtor's Plan was confirmed on August 3, 2018.
3. The confirmed plan provides for the Debtor to be the disbursing agent for the post petition mortgage payments and the Chapter 13 Trustee to be disbursing agent for the pre-petition arrears.
4. As of September 12, 2018, the Debtor has failed to maintain post-petition payments thereby accruing a default of 4 payments from June 1, 2018 through September 1, 2018 for a post-petition arrearage total of \$7,157.24. A summary of the post-petition arrearage is as follows:

June 1, 2018 to September 1, 2018, 4 payments at \$1,789.31 each

5. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
6. The Movant has no adequate protection in that the Debtor is in material default of the terms of the Plan by not making the required payments to the Movant and there is little or no equity in the property.
7. That should the Debtor wish to reinstate while under the jurisdiction of this Court, Movant requests to be reimbursed for the costs and attorney fees of filing this motion.
8. That Movant is entitled to relief pursuant to 11 U.S.C. 362(d).
9. The Movant requests waiver of 14 day stay provision of Bankruptcy Rule of Procedure 4001(a)(3).

WHEREFORE, Federal National Mortgage Association (“Fannie Mae”), a corporation organized and existing under the laws of the United States of America prays for the entry of an order modifying, annulling or terminating the Automatic Stay instanter to allow foreclosure, eviction, or any other action with respect to the Movant protecting its rights in the subject property as the Court deems appropriate and for such other relief as the Court deems just.

/s/ Anna E. Rinehart

Anna E. Rinehart, ARDC #6321383
Attorney for Federal National Mortgage
Association (“Fannie Mae”), a corporation
organized and existing under the laws of the
United States of America

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